

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

KEVIN VASHUN HARRINGTON,

Plaintiff,

V.

OFFICER WHITE, ET AL.,

Defendants.

No. 2:20-cv-02690-JTF-atc

## CLARIFICATION ORDER

On September 14, 2020, Plaintiff Kevin Vashun Harrington filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) On September 16, 2020, the Court granted his motion to proceed as a pauper. (ECF No. 4.) On May 20, 2021, the Court dismissed Plaintiff's § 1983 complaint without prejudice and granted leave to amend within twenty-one days. (ECF No. 7.) On June 3, 2021, Harrington filed an amended complaint. (ECF No. 8.) On July 19, 2021, the Court dismissed the amended complaint with prejudice, denied leave to amend, dismissed the case, certified that an appeal would not be taken in good faith, notified Plaintiff of the appellate filing fee, and recommended that the dismissal be treated as a strike pursuant to 28 U.S.C. § 1915(g). (ECF No. 9.) The Clerk mailed a copy of the July 19, 2021 order to Plaintiff at the Shelby County Criminal Justice Center (SCCJC), where he was incarcerated at the time he filed the complaint and the amended complaint. (*See* ECF Nos. 1 & 8.) On August 4, 2021, the July 19, 2021 order mailed to Plaintiff was returned as undeliverable. (ECF No. 11.)

On July 26, 2021, Plaintiff submitted a letter that provided his new address in Pikeville, Tennessee and requested a case status update. (ECF No. 10 (“... I’m not sure how long I’ll be here”).)<sup>1</sup> On July 27, 2021, the Clerk of Court mailed a docket sheet to Plaintiff.

The fact that (1) Harrington sent his July 26, 2021 letter (ECF No. 10) after the Court had already dismissed this case (ECF No. 9) and (2) the July 19, 2021 order sent to Plaintiff was returned undeliverable (ECF No. 11) suggests he was transferred among the SCCJC<sup>2</sup>, Bledsoe County Correctional Complex<sup>3</sup>, and Trousdale Turner Correctional Center<sup>4</sup> during June – July 2021.

To address these circumstances, the Clerk is kindly directed to mail a copy of the Court’s July 19, 2021 order (ECF No. 9) to Plaintiff at both: (1) the Pikeville, Tennessee address that he identifies in his July 26, 2021 letter (*see* ECF No. 10); and (2) the Trousdale Turner Correctional Center in Hartsville, Tennessee (*see* <https://www.tn.gov/correction/sp/state-prison-list/trousdale-turner-correctional-center.html>).

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<sup>1</sup> A plaintiff’s failure to supply the Court with an updated address subjects the action to dismissal under Federal Rule of Civil Procedure 41(b).

<sup>2</sup> Harrington was confined at the SCCJC when he filed his amended complaint on June 3, 2021. (ECF No. 8.)

<sup>3</sup> As of July 26, 2021, Harrington was at 1045 Horsehead Road in Pikeville, Tennessee, *see* ECF No. 10, which is the address for Bledsoe County Correctional Complex. (*See also* <https://www.tn.gov/correction/sp/state-prison-list/bledsoe-count-correctional-complex.html>.)

<sup>4</sup> According to the latest information on the Tennessee Department of Correction Felony Offender Information website, the ten-year sentence that Harrington is presently serving at Trousdale Turner Correctional Center in Hartsville, Tennessee was imposed on May 17, 2021 for criminal offenses that he committed on January 24, 2018. (*See* <https://apps.tn.gov/foil-app/details.jsp>.)

With respect to Harrington's request for "an update on the status of the case," *see* ECF No. 10 at PageID 41, he is advised that the Court's July 19, 2021 order: (1) dismissed his amended complaint (ECF No. 8) with prejudice; (2) denied leave to amend; (3) dismissed the case; (4) certified that an appeal would not be taken in good faith; (5) notified him of the appellate filing fee; and (6) recommended that the amended complaint's dismissal be treated as a strike under 28 U.S.C. § 1915(g). (*See* ECF No. 9.)

**SO ORDERED**, this 23<sup>rd</sup> day of August, 2021.

*s/John T. Fowlkes, Jr.*

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JOHN T. FOWLKES, JR.

UNITED STATES DISTRICT JUDGE